

REMARKS

Claims 1-9 are pending in the application. Claims 1-7 are rejected. Claims 8 and 9 are withdrawn from consideration as being directed to an invention that is restrictable with respect to original claims 1-7 and was non-elected by prosecution of claims 1-7. These claims have now been cancelled.

Applicants have amended claims 2, 3 and 5-7 in order to better define the subject matter that is considered to be the invention. In particular, claims 3 and 7, which are directed to a user prevention device of the type disclosed at page 27 that includes a mechanical key or plate but can encompass electronic locks or the like, have been placed into independent form. Claims 1, 4, 8 and 9 have been cancelled. Claim 2 has been made dependent on claim 3, while claims 5 and 6 now depend from claim 7.

Election/Restriction

Original claims 1-7, which are directed to a selectable theme game machine are considered by the Examiner to be patentably distinct from new claims 8 and 9, which are directed to a two screen device, one for setting a payline or bet option and the other for selecting the payline or bet amount. The Examiner considers these claims as withdrawn. Applicants have cancelled these claims from the case without prejudice or disclaimer as to their inclusion in a divisional application.

Claim Rejections - 35 U.S.C. § 102

Claims 1 and 2 are rejected under 35 U.S.C. § 102(e) as being anticipated by Brossard (6,302,790). This rejection is rendered moot by the cancellation of claim 1 and the amendment of claim 2 to depend from claim 3, which is now independent.

Claims Rejections - 35 U.S.C. § 103

Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Brossard in view of Walker et al (6,110,041). This rejection is traversed for at least the following reasons.

With regard to the rejection under 35 U.S.C. § 103(a), the Examiner asserts that all of the limitations are found in Brossard, except for the user operation prevention device for preventing actuation by a user of the game machine. The Examiner looks to the teaching in Walker '041 at col. 5, lines 17-41 of a game eligibility (lockout) feature that prevents a user/player who is not qualified to play a game from accessing the game.

The Invention

The invention concerns a game machine 1 as illustrated in Fig. 2, which has conventional reel display portions 4 and an LCD display 20/21, which together with audio outputs from speakers 9, can provide "a theme," such as a baseball theme. The machine 1 can have a hardware and software capability of storing and selectively providing at least display information related to a plurality of selectable themes, and can provide a player/user the option of making further selections within the selected theme, e.g., a favorite baseball team.

A schematic diagram of the hardware arrangement is illustrated in Fig. 1, where the LCD 21 is operative in response to a display controller 40, which includes CPU 41, RAM 42, program ROM 43, image data ROM 44 and image display LSI 45 to provide the contents of a theme for display on the LCD 21. For a baseball theme that is pre-selected for a game machine, the game player may operate a first actuator (button 25) to control a variable display on the LCD 21. In the example, given the baseball theme, a player may select displays related to any of a plurality of baseball teams by operating button 25.

Selection of one of a plurality of themes may be made by operating a second actuator (change over switch 23) that has a plurality of settings, which may provide access to different themes or even preclude actuation of the changeover button 25. In the example, three settings are provided, as shown in Fig. 3, and described beginning at page 27 with respect to the flowchart of Fig. 10 and switch structure of Fig. 11. As explained at pages 30-31 with regard to the illustration in Fig. 11, such prohibition is operative when a user (player or operator) is authorized to play or operate a machine, but a prohibition on actuating the selector switch is desired.

The key features of the invention include:

- (1) use of plural selectable themes that are selectable by one switch 23,
- (2) storing theme related software - video, audio, etc- as well as common game play software in a common memory and executing the various theme-related software by a common processor, and
- (3) use of a mechanical lock, plate or key, serving as a “user actuation prevention member” that can inhibit a user/player/operator from selecting alternative themes using the one switch 23.

Brossard

The newly cited patent to Brossard teaches a gaming device in Figs. 1A and 4A, and the related description. The device has a common gaming portion 172 that contains hardware and software common to all game devices, and has a replaceable display portion 174 that can be designed specifically to reflect a particular theme, as explained at col. 2, lines 15-42. The lower portion 172 of the device includes the conventional slot machine display 112 with reels 114 and paylines 116, accompanied by related buttons, coin slots 124 and levers 122. The upper portion 174 is customized with respect to a theme and has a LCD/LED display 422 coupled with lights 514 and audio 516 for providing the desired theme.

As disclosed at col. 3, line 13-col. 4, line 19, the game theme may be related to a celebrity and the items that implement the theme include displays of a name, likenesses, symbols, motion pictures and the like, some of which are stored in a memory 512 for selectable retrieval and display. As explained at col. 4, lines 5-19, the playback items may be selected at random or the user may be permitted to select which of the playback items will be reproduced, using input devices such as buttons 144, 146, touch screen or other selection or input devices. Brossard teaches that a song or performance of the theme-based celebrity can be played when a win occurs, either based on a random selection or on the basis of user input (col. 5, lines 26-34;

col. 7, lines 46-52). The type of playback can depend on the level of a win, including a bonus win, as explained at col. 6, lines 17-58 with respect to Fig. 7, and at col. 8, lines 31-38.

There is no teaching whatsoever that the selection of a theme may be precluded by a “user operation protection device,” and certainly no teaching that the device is applicable to a display content selector, as expressly claimed.

Walker ‘041

The game machine in Walker ‘041 teaches a slot machine 120 that, alone or in connection with the network, is operative to control reels (332-336), display information in video display area 346 and provide additional display information in display 362 that forms a part of a tracking device 360. As disclosed at col. 6, line 39, the display 362 may be a touch screen display for receiving signals from a player concerning his selection of certain options. In operation, a player preference database is accessed under control of CPU 310 and preferences of a player are entered using preference selection buttons 370. The Examiner points to a feature in Walker ‘041 that concerns selective player participation in a game (limitations to high stakes gamblers), as explained at col. 5, lines 25-26 and 37-41.

The Examiner asserts that it would be obvious to one skilled in the art to modify Brossard to incorporate the lockout feature of Walker ‘041. Applicants respectfully submit that a lockout feature as disclosed in Walker ‘041 is not a user operation prevention device, as claimed.

The lockout feature of Walker ‘041 concerns a complete bar to play of a game machine, as is clear from the portions of the reference cited by the Examiner. By contrast, and as expressly stated in the claim, the invention concerns (1) a selector and a (2) a device for prohibiting the operation of the selector. The language of the claim states that it is the display content selector that has a user operation prevention device for preventing actuation by a user of the game machine. Clearly, interpreting the claim on the basis of the disclosure but without reading limitations of the disclosure into the claim, the limitation relates to a structure that prohibits operation of the selector. Walker ‘041 locks out access to the game entirely and does not simply restrict use or operation of a selector. One of ordinary skill in the art, reading the

application, would clearly understand that the claim is directed to a structure that blocks operation of a subcomponent and not the entire game machine.

Claims 4-6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Brossard in view of Okada (4,508,345). This rejection is traversed for at least the following reasons.

As to claim 4, the rejection is moot in view of the cancellation of the claim. As to claims 5 and 6, these claims have now been made dependent on claim 7, which has been placed into independent form. Claim 7 is patentable for the reasons given subsequently.

Claim 7 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Brossard in view of Okada (4,508,345) and further in view of Walker et al '041. This rejection is traversed for at least the following reasons.

The Examiner relies on Brossard for a teaching of a display device as in claim 1, and cites Okada for his teaching of a slot machine with the bonus feature having a skilled stop teaching variable display stop device. Okada is not cited for purposes related to the display of a theme environment or a user operation prevention device. The Examiner admits that Okada et al would not remedy the deficiencies of Brossard with respect to the user operation prevention device, and looks to Walker '041 for such teaching, particularly of a lockout feature, as noted for claim 3.

Applicants respectfully submit that such lockout feature is not the user operation prevention device, as previously discussed. On this basis, Applicants submit that claim 7 is patentable for the reasons given for claim 3. The act of controlling the entire game is not generic to controlling only the selector.

Conclusion

Applicants have cancelled claims and have placed other claims in independent form, thereby reducing the issues before the Examiner without raising new issues. Thus, the present amendment should be entered for purposes of appeal. Applicants respectfully request an

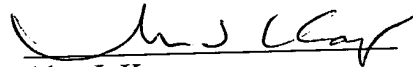
Amendment Under 37 C.F.R. § 1.116
09/927,259

interview in this case, in order to discuss the invention and the foregoing important difference to the Examiner, as the present claim language clearly distinguishes the invention from the prior art.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Alan J. Kasper
Registration No. 25,426

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: July 14, 2004